MONTANA LEGISLATIVE HISTORY

Chapter 312 19 93

Bill H 633 S _____ Original bill & history ___C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 12	✓C	Hearing Date(s)	Mar 16	✓C
	Feb 18	✓C		Mar 22	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Feb 18	✓C		Mar 22	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED AS AMENDED	93	3
2/24	3RD READING PASSED	94	4
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO LOCAL GOVERNMENT		
3/09	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/11	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 169		
	EFFECTIVE DATE: 03/24/93		

HB 632 INTRODUCED BY MOLNAR

PROVIDE FOR CONTROL OF OUT-OF-STATE PLACEMENTS OF CHILDREN WITH MULTIAGENCY SERVICE NEEDS

2/15	INTRODUCED		
2/15	REFERRED TO APPROPRIATIONS		
2/15	FIRST READING		
3/05	HEARING		
3/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/13	2ND READING PASSED AS AMENDED	95	2
3/16	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
3/18	FIRST READING		
3/18	REFERRED TO FINANCE & CLAIMS		
3/24	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	48	0
3/29	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 324		
	EFFECTIVE DATE: 10/01/93		

HB 633 INTRODUCED BY RUSSELL, ET AL.

CLARIFY LAWS RELATING TO DETENTION OF MENTALLY ILL PERSONS IN JAIL

2/16	INTRODUCED		
2/16	REFERRED TO JUDICIARY		
2/16	FIRST READING		
2/17	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	94	4
2/23	3RD READING PASSED	97	3
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO JUDICIARY		
3/16	HEARING		

3/23	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	49	0
3/26	3RD READING CONCURRED	46	0
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 312		
	EFFECTIVE DATE: 07/01/93		

HB 634 INTRODUCED BY ELLIOTT

AUTHORIZE EXECUTIVE BRANCH PILOT PROJECT TO EXPLORE MANAGEMENT STYLES AND ORGANIZATIONAL STRUCTURE

2/16	INTRODUCED		
2/16	REFERRED TO STATE ADMINISTRATION		
2/16	FIRST READING		
2/18	HEARING		
2/18	TABLED IN COMMITTEE		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	95	5
2/23	3RD READING PASSED	96	3
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO FINANCE & CLAIMS		
3/05	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	44	3
3/15	3RD READING CONCURRED	44	5
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/24	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
3/31	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 237		
	EFFECTIVE DATE: 03/31/93		

HB 635 INTRODUCED BY FAGG, ET AL.

ALLOW SECRETARY OF STATE TO REMOVE IMPROPER OR FRAUDULENT LIEN FILINGS

BY REQUEST OF SECRETARY OF STATE

2/16	INTRODUCED		
2/16	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/20	FISCAL NOTE RECEIVED		
2/20	FISCAL NOTE PRINTED		
2/22	2ND READING PASSED AS AMENDED	95	3
2/24	3RD READING PASSED	98	1
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO BUSINESS & INDUSTRY		
3/23	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	45	0

HEARING ON HB 598

Opening Statement by Sponsor:

REP. PAVLOVICH, House District 70, Butte, requested that the committee table HB 598 without discussion. See Executive Action page 9.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 633

Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Lodge Grass, expressed her strong belief that jail is not good for the mentally ill. This bill clarifies language regarding the mentally ill, and it does not include individuals addicted to drugs and/or alcohol.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

CHAIRMAN FAGG, referring to page 9, lines 2 and 3, asked **REP. RUSSELL** what is meant by "minor misdemeanor offense" and why it's included in the bill. She explained that, when the bill was originally introduced in the 1991 session, they were discussing misdemeanors that weren't against persons; actions that were not dangerous kinds of offenses. **CHAIRMAN FAGG** compared the language with a low misdemeanor as opposed to a high misdemeanor. **REP. VOGEL** pointed out that minor misdemeanor defense is defined on page 9, lines 2-6.

Closing by Sponsor: None

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL DATE 2/17/93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell	✓		
Rep. Tim Sayles			✓
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

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Vote: **HB 610 DO PASS AS AMENDED.** Motion carried 12-5 with **REP. BIRD** excused from voting. Those voting against the do pass motion were **REPS. BERGMAN, CLARK, RICE, TASH,** and **WINSLOW.**

EXECUTIVE ACTION ON HB 633

Motion: **REP. RUSSELL MOVED HB 633 DO PASS.**

Discussion:

Ms. Beverly Gibson, Assistant Executive Director, Montana Association of Counties (MACo), explained that she had not had a chance to speak to the committee during the scheduled hearing; she presented her testimony to the committee during executive action. **EXHIBIT 6**

REP. VOGEL asked **REP. RUSSELL** if it is her intention to totally eliminate the mentally ill from incarceration. **REP. RUSSELL** said the intent is to give them more appropriate attention, such as rehabilitation, rather than incarceration. These people have committed minor misdemeanors. **REP. VOGEL** agrees with her, but he reiterated that there are times when law enforcement doesn't have a facility immediately available, and as a remedy to the immediate situation, there has to be a holding area until a facility is available. He is referring to the small towns in which there are not enough facilities. Rather than eliminating incarceration in a prison, the mentally ill must be detained in a safe facility.

Vote: **HB 633 DO PASS.** Motion carried 17-1 with **REP. BROWN** voting no.

ADJOURNMENT

Adjournment: 12:00 p.m.

Russell Fagg

REP. RUSSELL FAGG, Chairman

Beth Miksche

BETH MIKSCHE, Secretary

RF/bcm

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL DATE 2-18-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch			✓
Rep. Jim Rice	✓		
Rep. Angela Russell	✓		
Rep. Tim Sayles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

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HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Mr. Speaker: We, the committee on Judiciary report that House Bill 633 (first reading copy -- white) do pass .

Signed: _____
Russ Fagg, Chair

Committee Vote:
Yes 18 . No 0 .

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL VOTE

DATE 2/18/93 BILL NO. HB 633 NUMBER 18

MOTION: HB 633 DO Pass 17-1

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair		✓
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	

EXHIBIT 4
DATE 2-18-93
SB HB 633

MONTANA ASSOCIATION OF COUNTIES

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

February 17, 1993

In 1991 legislation was enacted to protect mentally ill persons from being incarcerated for minor offenses. HB 103 had a delayed effective date of July 1, 1993, and requires sheriffs and jail administrators to screen and divert from jail persons who appear to be seriously mentally ill when they are charged with a minor misdemeanor offense.

During the interim, the Department of Corrections and Human Services brought together representatives of mental health providers, clients, and state and local government officials to find out how the new legislation could be made to work. A major concern was a lack of funding for training and facilities to carry out the requirements of the law. During this time, counties were assisted in preparing plans for implementation of the legislation. After a year and a half of work, MACo, together with the Montana Sheriffs and Peace Officers Association, agreed that the new law needed to be in place at least a year to see the actual impacts and to define any problems in implementation, including new costs to local governments.

Therefore, we have asked the law to be only minimally amended at this time. When persons are intoxicated from drugs or alcohol, it is not possible to immediately evaluate them for mental illness. Our amendment would allow a person to be held until an evaluation can be made, and also clarifies the term "mental disorder" so that a person is not automatically deemed to have a mental disorder just because that person is intoxicated or is addicted to drugs or alcohol.

We think HB 633 addresses these concerns, and we look forward to implementing the major requirements of this law as we work together with the Mental Health community in the coming year.

reliable. Montana needs to receive good data and understanding of the crimes that are occurring in order to deal with those crimes. Rep. Strizich said he would provide some language for the amendments. Rep. Strizich asked that "sexual orientation" be restored into HB 416.

HEARING ON HB 633

Opening Statement by Sponsor:
Representative Russell, District 99, told the Committee that the 1991 session of the legislature enacted HB 103 which protects the mentally ill from incarceration for minor offenses. HB 103 had a delayed effective date of July 1, 1993 and required sheriffs and jail administrators to screen and divert from jail persons who appeared to be mentally ill when they were charged with a minor misdemeanor offense. HB 633 clarifies the term mental disorder so a person is not automatically deemed to have a mental disorder just because a person is under the influence of drugs or alcohol. Clarifications in the definitions are on page 2 and page 6. When persons are intoxicated from drugs or alcohol it is not possible to immediately evaluate them for mental illness. HB 633 would allow the jail to hold individuals until such time as a mental evaluation can be made.

Proponents' Testimony:
Beverly Gibson, Montana Association of Counties, read from prepared testimony. (Exhibit #19)

Mike Kauffman, Mental Health Division of the Department of Corrections and Human Services, supports HB 633. HB 633 provides necessary clarification of the law and would assist counties in understanding the requirements of the law.

Joanne McGraph, Director of the Mental Health Association of Montana, supports HB 633.

Kathy McGowen, Chemical Dependency Programs of Montana, supports HB 633.

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:
NONE

Closing by Sponsor:
Rep. Russell closes.

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-16-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty			X
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp			X
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC8

Attach to each day's minutes

MONTANA
ASSOCIATION OF
COUNTIES

SENATE JUDICIARY
EXHIBIT NO. 19
DATE 3-16-93
BILL NO. HB633

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

March 15, 1993

In 1991 legislation was enacted to protect mentally ill persons from being incarcerated for minor offenses. HB 103 had a delayed effective date of July 1, 1993, and requires sheriffs and jail administrators to screen and divert from jail persons who appear to be seriously mentally ill when they are charged with a minor misdemeanor offense.

During the interim, the Department of Corrections and Human Services brought together representatives of mental health providers, clients, and state and local government officials to find out how the new legislation could be made to work. A major concern was a lack of funding for training and facilities to carry out the requirements of the law. During this time, counties were assisted in preparing plans for implementation of the legislation. After a year and a half of work, MACo, together with the Montana Sheriffs and Peace Officers Association, agreed that the new law needed to be in place at least a year to see the actual impacts and to define any problems in implementation, including new costs to local governments.

Therefore, we have asked the law to be only minimally amended at this time. When persons are intoxicated from drugs or alcohol, it is not possible to immediately evaluate them for mental illness. Our amendment would allow a person to be held until an evaluation can be made, and also clarifies the term "mental disorder" so that a person is not automatically deemed to have a mental disorder just because that person is intoxicated or is addicted to drugs or alcohol.

We think HB 633 addresses these concerns, and we look forward to implementing the major requirements of this law as we work together with the Mental Health community in the coming year.

DATE 3/16/93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 191, HB 416, HB 506, HB 633

Name	Representing	Bill No.	Check One Support	Oppose
[illegible]	Christian Coalition of NC	HB 416		
Beverly Gibson	MACC	HB 633	✓	
MAXINE HOMER	CUFF Christian Church [DOC]	HB 416	✓	
MIKE HUFFMAN	MENTAL HEALTH DIV. DEPT. OF CORRECTIONS	HB633	✓	
Sandra Hale	Voter	HB 416	✓	
LARRY AKEY	COMM OPERATORS ASSOC	HB191	—	
Joe McKinney	Fun Factory Great Falls	HB191	X	
Gloria Hermanson	Pair Shields of the future	HB191	Neutral	
Sharon Hoff	MT Catch. Corp	HB416	✓	
Dana Sorg	MT Women Lobby	HB416	✓	
E.J. Hall	MBCC	HB416	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F1C

automation process. Mr. Chenovick stated they would also look at the number of cases within a district to determine a priority list.

Senator Doherty asked Mr. Chenovick if he would be the one to decide who gets the money. Mr. Chenovick stated when the automation process first started, the Court set up a commission on court technology to provide input on applications for requests for funds.

Closing by Sponsor:

Representative Bardanouve stated HB 278 has had the best support of any bill he has ever seen, and he urged the Committee's support of HB 278.

EXECUTIVE ACTION ON HB 633

Motion/Vote:

Senator Blaylock moved HB 633 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HJR 22

Motion:

Senator Towe moved HJR 22 BE CONCURRED IN.

Discussion:

Senator Grosfield asked Senator Towe if he was satisfied with the terms of the will. Senator Towe stated he was not completely satisfied and stated he would like to ask Chief Justice Turnage to comment on that. Senator Towe stated there is an old carry-over where people would will things to the Supreme Court, and the Court had to administer the things willed. Senator Towe asked Chief Justice Turnage if he saw any problem with changing the impact of the will to allow someone else to administer the will. Chief Justice Turnage stated the Court is not in the administrative position to act as a trustee of the will, so he would suggest the Court designate a successor trustee as administrator. Senator Towe stated the problem he had was the will apparently provides for the funding to go toward an orphanage, and Montana does not have orphanages. Chief Justice Turnage stated Montana would have to find an equal and adequate charitable purpose, and the Court will make every attempt to follow the intent of the will.

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-22-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	✓		
Senator Doherty	✓		
Senator Brown	✓		
Senator Crippen			✓
Senator Grosfield			
Senator Halligan	✓		
Senator Harp			✓
Senator Towe	✓		
Senator Bartlett	✓		
Senator Franklin	✓		
Senator Blaylock	✓		
Senator Rye	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 22, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 633 (first reading copy -- blue), respectfully report that House Bill No. 633 be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

Amd. Coord.
Sec. of Senate

Halligan
Senator Carrying Bill

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